

**REGULAR: Government Administration, Rules, Ethics & Audit Meeting Summary**  
**November 13, 2006**  
**4:04 p.m.**  
**City Hall, Third Floor**

**Present:** Chair: CM Peden  
Vice Chair: CM Hamilton  
Members: CM Blackwell, CM Engel, CM Stuckel,  
  
**Absent:** CM Henderson CW Shanklin (Both Excused Absence)  
**Also attending:** CM Downard,  
Assistant County Attorney, William Warner

Chairman Peden called the meeting to order and announced the members and non members of the committee that were present. A quorum was established.

[O-231-11-05](#) - AN ORDINANCE AMENDING AND REENACTING CHAPTER 91 OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT CODE OF ORDINANCES [LMCO] PERTAINING TO ANIMAL CONTROL AND WELFARE [COMMITTEE SUBSTITUTE]. (Re-Introduced on 5/25/06) (tabled)

**Discussion:** CM Engel made a motion to untable and CW Stuckel seconded. All agreed to untable. Chairman Peden stated that this meeting there would be one speaker.

The first was Glenn Price, Louisville Kennel Club Attorney  
Introduced Ms Ronnie Delay, Animal Trainer, who will give a demonstration at the end of the meeting.

**1. Offered substitute the entire nuisance definition ([See attachment #1](#))**

- Noted organizations that have worked with Louisville Kennel Club
- Stated objections to Nuisance definitions
  - Never been a public clamor for a nuisance definition
  - Objected to Animal control impounding an animal for any violation (91.038)
  - Offered a modest recommendation and exemption regarding nuisance

**(2) EXEMPTIONS**

(A) An animal shall not be deemed to have committed an act of nuisance if it barks or makes a noise in response to persons committing illegal acts, or if the animal perceives danger to itself or to its young, including but not limited to smoke and fire.

**2. Second suggestion is change in the fee schedule (91.010) ([See attachment #2](#))**

- Offered \$9.00 for an altered tag, \$45.00 unaltered tag; \$100 for a Pit Bull unaltered tag
- Only have 15% compliance
- Use license fees for rabies vaccinations
- Need the educational program to go with spaying and neutering.
- ( Later in presentation he suggested \$6.00 for altered tag and \$18. for unaltered)

**3. Proposed an animal control review board – ([See attachment #3](#))**

- Wanted an advisory committee to do appeals for problem with animals.
- Noted that there is an Animal Advisory Review Board ordinance presently before the committee.
- Wants a body of experts including an animal behaviorist or professional dog trainer, a member of an Animal Welfare group, a member of the community farm alliance, a member of the Louisville

Training Club, a member of the Kentucky Sportsmen, a member of the Louisville Kennel Club, a citizen of Louisville who does not own a pet, a citizen of Louisville who owns a pet, a member of the Kentucky Veterinary Medical Association.

- Wants terms that are split who would hear and review the operating procedures of the Department of Metro Animal Services; license denials and revocations; appeals of civil citations and hear reviews of restraint violations

Chairman Peden asked that this suggestion be brought before the committee when the Animal Welfare/Control Advisory Board was heard.

Also discussed:

- Discussion of appeal process under current process and the committee substitute
- Criminal and Civil penalties, Code Enforcement Board

#### **4. Suggested the revocation of breed specific language in the ordinance**

- Community Approach to Dog Bite prevention – request to have in record
- 5 factors that cause a dog to bite: heredity, early experience, later socialization and training, health (medical and behavioral) and victim behavior.
- Clarification of breeds regarding dangerous dogs- terrier breeds vs mastiff breeds in ordinance
- Recommended going after people causing the problem
- Discussed 91.0204 – determination by director – no standard because breed doesn't exist
- Danger of owners letting pit bulls running loose

Mr. Warner stated that fees are different for pit bulls as opposed to dangerous dogs.

CM Stuckel moved that the nuisance provision proposed by Mr. Price be adopted. CM Engel seconded the motion. CW Hamilton requested that Mr. Warner review the differences between the present draft and Mr. Price's draft.

Mr. Warner stated that the draft before them is legal however; he had no problem with what he sees from Mr. Price.

One item not seen is the amendment regarding the APCD. They stated that the exemption to the nuisance definition causes problems with their enforcement of olfactory nuisance. APCD has the authority to enforce that nuisance. They have changed one word that explicitly removes infringement on the APCD's control of that section.

In Section 91.001, under the definition of "Nuisance," replace subsection (B) with the following:

(B) Pursuant to the provisions of KRS 413.072(7), an agricultural operation, as defined under KRS 413.072(3) shall be exempt from any enforcement under this Chapter 91 which arises out of a nuisance violation as defined herein.

CM Stuckel amended his motion to adopt Mr. Price's version of "Nuisance" to include this new section regarding APCD. CM Engel amended his second as well.

Mr. Warner stated that Mr. Price's version is legal but not as explicit as the current draft. CW Hamilton stated her concern over animals charging the fence not being in Mr. Price's version. CM Blackwell questioned the ability to perceive danger. Ronnie Delay, animal trainer, stated the reasons a dog would think it was threatened.

CM Stuckel withdrew his motion and CM Engel withdrew his second. The request was made that Mr. Warner take the current draft and Mr. Price's draft on the nuisance language and combine them to include all relevant information.

Councilwoman Hamilton and Councilman Blackwell left the meeting. CM Engel motioned that breed specific language from the ordinance. CM Stuckel seconded the motion. Chairman Peden suggested an absence of a quorum. Mr. Warner stated that the motion is not an official act but they could discuss it. CM Stuckel requested that Mr. Warner draft the ordinance without breed specific language in it. Leave Mr. Price's amendment out of the breed specific deletion ordinance.

CM Peden called for a vote of the motion. The motion passed with all members present voting yes. However, there was not a quorum at this point.

The item was not re-tabled.

Ronnie Delay gave a demonstration of a well-behaved dog, Little Man. CM Engel motioned adjournment, CM Stuckel seconded the motion. However, the meeting was continued due to lack of a quorum.

CM Downard voiced his concern over members leaving the meeting.

[O-41-02-06](#) - AN ORDINANCE CREATING AN ANIMAL WELFARE/CONTROL ADVISORY BOARD. (Reintroduced 8-29-06)

**Discussion:** This item was not discussed.

[O-22-02-06](#) - AN ORDINANCE AMENDING SECTIONS 97.076, 97.999, 112.01 AND 112.99 OF THE LOUISVILLE/JEFFERSON COUNTY METRO CODE OF ORDINANCES ("LMCO") AND ADDING LMCO SECTION 97.078 REGARDING THE PLACEMENT OF SIGNS IN PUBLIC RIGHT-OF-WAYS. (AS AMENDED) (Reintroduced 8-29-06)

**Discussion:** This item was not discussed.

[R-113-8-06](#) - A RESOLUTION AMENDING SECTION 12 OF THE LOUISVILLE METRO COUNCIL POLICIES AND PROCEDURES TO ESTABLISH COMPENSATION ADMINISTRATION GUIDELINES.

**Discussion:** This item was not discussed.

**The meeting ended at 5:10 PM.**

**\*NOTE: Items sent to the Consent Calendar or Old Business may be heard before the full Council at the November 21, 2006 Metro Council Meeting.**

Kjh